

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JANE DOE,

Plaintiff,
-against-

Case Action No. 2:15-CV-
3620

HOLY BAGEL CAFE II, INC. d/b/a BAGEL CAFE
d/b/a BAGEL CAFE II, SANG CHON LEE, EN SEOUN
LEE and LUDWIN R. SANCHEZ a/k/a ROBERTO
SANCHEZ,

(RRM)(AYS)
DECLARATION IN
SUPPORT

Defendants.
-----X

I, Gary Certain, under penalties of perjury, hereby declare as follows:

1. I am a member of the law firm of Certain & Zilberg, counsel to the Plaintiff in the above-captioned matter.
2. I am fully familiar with the facts and circumstances of this action and make this Declaration based upon personal knowledge, research that I have conducted, documents that I have personally reviewed, depositions that I have taken, and on records maintained by the law firm of Certain & Zilberg, PLLC.
3. I submit this declaration in support of Plaintiff Jane Doe's motion for partial summary judgment against HOLY BAGEL CAFE II, INC. d/b/a BAGEL CAFE d/b/a BAGEL CAFE II ("Holy Bagel") as to her New York Labor Law ("NYLL") claims, Wage Theft Prevention Act claims ("WTPA"), and Fair Labor Standards Act ("FLSA") claims, and for such other and further relief as this Court may deem just, proper and equitable.
4. I also submit the Memorandum of Law of Gary Certain dated September 24, 2020, Declaration of Jane Doe dated September 24, 2020, and Rule 56.1 Statement of Material Facts not in Dispute dated September 24, 2020.

5. Annexed to this declaration is a true and accurate copy of the following documents to be referenced in this motion in support of partial summary judgment.

6. Exhibit 1: Summons & Complaint

Exhibit 2: Answer of Holy Bagel, Sang Chon Lee & En Seoun Lee

Exhibit 3: Answer of Ludwin R. Sanchez a/k/a Roberto Sanchez

Exhibit 4: Civil Conference Minute Order dated April 1, 2019

Exhibit 5: Doe's Response to FLSA Interrogatories dated April 15, 2019

Exhibit 6: Deposition transcript of Holy Bagel by Sang Chon Lee dated August 27, 2018

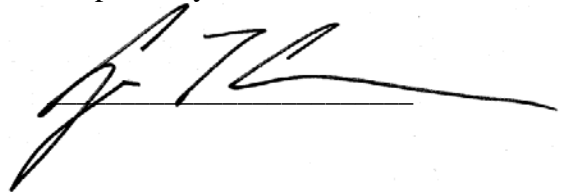
(relevant pages)

Exhibit 7: Deposition transcript of En Seoun Lee dated August 27, 2018 (relevant pages)

Exhibit 8: Holy Bagel, Sang Chon Lee & En Seoun Lee's Response and Objections to Plaintiff's First Set of Requests for Production of Documents dated November 20, 2015 (without attachments)

Dated: New York, New York
September 24, 2020

Respectfully submitted,

A handwritten signature in black ink, appearing to be "J. Lee", written over a horizontal line.